S.B. CR.MISC.BAIL APPL.NO.7213/2007.

Rampal
Vs.
State

Date of order : 2/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri JS Chauhan for the petitioner.
Shri Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he provided the psychotropic substance i.e. Smack weighing 6.4 mgm. to co-accused Farid Ahmad and this allegation is founded on the information disclosed by the co-accused Farid Ahmad to the investigating agency. It was argued that in view of the quantity of the aforesaid psychotropic substance, co-accused Farid Ahmad has already been enlarged on bail by the co-ordinate Bench of this Court in SB Cr.Misc.Bail Appl.No.4777/2007 vide order dated 3/8/2007. The challan has already been filed and there is no previous criminal case ever registered against the petitioner. Therefore, it is argued that the case of the petitioner is on better footing than that of co-accused Farid Ahmad.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Rampal S/o Bhanwar Lal shall be released on bail in F.I.R. No.282/2007 P.S. Kotwali, Baran for offences under Sections 8/21 and 8/29 of the NDPS Act subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioner is found indulged in committing the similar offence in future again, the liberty of bail granted to him shall be liable to be cancelled on an application moved by the prosecution for cancellation of his bail on this ground alone.

(MOHAMMAD RAFIQ), J.

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